

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 77

April 11, 2019

SUMMARY OF BILL: Changes the definition of “prisoner day” as it relates to the County Correctional Incentives Act of 1981. Authorizes the Commissioner of the Department of Correction to retroactively compensate the county back to the date an inmate is initially incarcerated for detainee days if the trial judge grants the defendant credit for time served in jail awaiting trial, time spent in jail pending trial, or the trial judge finds another provision that requires compensation.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$99,574,800

Increase Local Revenue – \$99,574,800

Assumptions:

- Pursuant to Tenn. Code Ann. § 41-8-102, the County Correctional Incentives Act of 1981 provides financial incentives to counties to house additional non-dangerous felony offenders locally to help alleviate overcrowding in state correctional facilities, reduce high operational costs, and assist counties in upgrading local correctional facilities and programs.
- Pursuant to Tenn. Code Ann. § 41-8-103(11), the definition of prisoner day, as it relates to reimbursement of each state prisoner held by a county, is defined as each day each state prisoner sentenced to the Department of Correction (DOC) was held by the county after the first five days following sentencing.
- The proposed legislation changes the definition of prisoner day to include each day a state prisoner convicted by the court was held by a county after the first five days of incarceration following conviction.
- Based on information provided by DOC, over the last three years there have been 720 admissions from plea agreements in which the date of the plea was different than the date of sentencing. In these matters, the average time between the plea and sentencing was 72 days.
- Based on information provided by DOC, over the last three years there have been 612 felony admissions into community supervision resulting from plea agreements in which the date of the plea was different than the date of sentencing. In these matters, the average time between the plea and sentencing was 64 days.

- The average state cost per day for housing felons in local jails is \$49.84.
- The proposed legislation will result in a recurring increase in state expenditures estimated to be \$4,535,839 $\{[(720 \times 72) + (612 \times 64)] \times \$49.84\}$.
- The proposed legislation will result in a corresponding recurring increase in local revenue estimated to be \$4,535,839.
- Pursuant to Tenn. Code Ann. § 41-8-103(6), detainee day refers to each day each state prisoner was held by a county prior to judgement, which includes acquittal, or prior to delivery to the Department of Correction (DOC) during a designated period.
- The proposed legislation authorizes the Commissioner of DOC to retroactively compensate the county back to the date an inmate is initially incarcerated for detainee days if the trial judge grants the defendant credit for time served in jail awaiting trial, time spent in jail pending trial, or the trial judge finds another provision that requires compensation.
- Based on information provided by DOC, in FY17-18, 9,010 offenders were admitted into facilities with credit for time served in jail prior to conviction and the average time incarcerated between arrest and conviction for such offenders was 203 days.
- Based on information provided by DOC, in FY17-18 there have been 613 felony admissions into community supervision with credit for time served in jail prior to conviction. In these matters, the average time between arrest and conviction was 127 days.
- The average state cost per day for housing felons in local jails is \$49.84.
- The proposed legislation will result in a recurring increase in state expenditures estimated to be \$95,038,949 $\{[(9,010 \times 203) + (613 \times 127)] \times \$49.84\}$.
- The proposed legislation will result in a corresponding recurring increase in local revenue estimated to be \$95,038,949.
- The total recurring increase in state expenditures resulting from the proposed legislation is estimated to be \$99,574,788 $(\$4,535,839 + \$95,038,949)$.
- The total corresponding recurring increase in local revenue is estimated to be \$99,574,788.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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